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Attorneys for Defendant
Charter Communications, Inc.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ERIC W. RUND,)	Case No. 02:05CV 00502 FCD-GGH
)	(Sacramento)
Plaintiff,)	
)	STIPULATION AND ORDER TO
v.)	ALLOW THE SECOND DAY OF
)	DEPOSITION OF PLAINTIFF ERIC
CHARTER COMMUNICATIONS, INC.; DOES)	RUND TO OCCUR AFTER THE
1 to 100, Inclusive,)	DISCOVERY CUT-OFF DATE
)	
Defendants.)	Location: Courtroom 2, 15 th Floor
)	Judge: Hon. Frank C. Damrell, Jr.
)	Action Filed: March 14, 2005
)	Trial Date: None

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STIPULATION

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff Eric Rund (“Plaintiff”), by his attorneys of record – the Law Offices of Larry L. Baumbach, by Larry L. Baumbach, attorney at law, and Defendant Charter Communications, Inc. (“Defendant”) by their attorneys of record – Ogletree, Deakins, Nash, Smoak & Stewart P.C., by Howard L. Magee, attorney at law (collectively “Parties”), that the following Stipulation may be entered as an Order by the Court to give effect to the stipulations set forth below:

WHEREAS, the present trial date is set for July 10, 2007;

WHEREAS, both parties have conducted significant discovery in this Action;

WHEREAS, Defendant has taken four (4) hours of the deposition of Plaintiff;

WHEREAS, Plaintiff has agreed to waive the “one-day” rule and allow Defendant to take the remaining three (3) hours of Plaintiff’s deposition;

WHEREAS, due to prior conflicts, counsel for both parties will not be able to attend the second day of Plaintiff’s deposition before the discovery cut-off date of October 16, 2006;

WHEREAS, Defendant will complete the second day of deposition of Plaintiff on or before January 15, 2007.

WHEREAS, because the trial date is more than nine (9) months away, the Parties agree that Defendant’s taking of the remaining three hours of Plaintiff’s deposition beyond the discovery cut-off date will not prejudice either Party.

WHEREAS, Defendant will be prejudiced if it were precluded from completing the remaining three (3) hours of deposition of Plaintiff;

NOW, THEREFORE, the Parties hereby **STIPULATE AND AGREE** through their respective counsel of record, as follows:

1. Good cause exists to allow Defendant to notice the deposition of Plaintiff Eric Rund for a date beyond the current discovery cut-off date of October 16, 2006. The remaining portion of Plaintiff’s deposition will be completed on or before January 15, 2007.

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IT IS SO STIPULATED ON THE DATES INDICATED BELOW.

DATED: October 6, 2006

LAW OFFICES OF LARRY L. BAUMBACH

By /s/ Larry Baumbach

Larry L. Baumbach

Attorneys for Plaintiff Eric W. Rund

DATED: October 8, 2006

HOWARD L. MAGEE

GREGORY C. CHENG

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

By /s/ Howard Magee

Howard L. Magee

Attorneys for Defendant Charter
Communications, Inc.

ORDER

GOOD CAUSE APPEARING THEREFORE, IT IS HEREBY ORDERED that Defendant may notice and take the deposition of Plaintiff Eric Rund on a date beyond the current discovery cut-off date of October 16, 2006. The remaining portion of Plaintiff's deposition will be completed on or before January 15, 2007. This extension is granted as to completing plaintiff's deposition ONLY. No other modifications are made to the discovery deadline.

DATED: October 16, 2006

/s/ Frank C. Damrell Jr.

Frank C. Damrell, Jr.

United States District Judge